



## **H.R. 2360 – Department of Homeland Security Appropriations Bill**

Calendar No. 129

*On June 16, the Appropriations Committee reported H.R. 2360, with an amendment in the nature of a substitute, by a vote of 28-0; S. Report 109-83.*

### **Noteworthy**

- H.R. 2360 provides \$31.86 billion in new budget authority, an amount which is equal to the House-passed bill, and \$1.3 billion above Administration's request.
- The Administration's request proposed \$1.7 billion in offsetting collections by raising aviation passenger fees. The Committee did not include this fee increase. If it had, the Senate bill would be \$400 million less than the budget request.
- H.R. 2360 funds a total of 12,449 Border Patrol Agents (of which 1000 are new); 18,201 Customs and Border Protection (CBP) Officers; 6,128 Criminal Investigators for customs and immigration work (of which 300 are new); 1,284 Deportation Officers; 2,747 Immigration Enforcement Agents/Detention Officers (of which 460 are new); and 22,727 detention beds across the Nation (of which 2,240 are new).
- This bill provides \$340 million for the US Visitor and Immigration Status Indicator Technology (US VISIT), which enhances the security of U.S. citizens and visitors by verifying the identity of visitors with visas.
- H.R. 2360 provides \$7.8 billion for the Coast Guard, which is \$211 million above the FY05 enacted level. Of this amount, \$6.8 billion is discretionary spending, which is \$283 million above the FY05 enacted level.
- H.R. 2360 provides \$5.1 billion for the Transportation Security Administration, which, including \$2 billion in offsetting fee collections, is \$1.4 billion above the Administration's request.
- On May 17, 2005, the House passed its version of H.R. 2360, by a vote of 424-1.

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## Highlights

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(in millions)

<b><u>Title</u></b>	<b><u>President's Request</u></b>	<b><u>House Recommendation</u></b>	<b><u>Senate Recommendation</u></b>
<b>Title I – Management &amp; Operations</b>	<b>\$748</b>	<b>\$568</b>	<b>\$647</b>
<b>Title II – Security, Enforcement, &amp; Investigations</b>	<b>\$20,566</b>	<b>\$21,988</b>	<b>\$22,191</b>
<b>Title III – Preparedness &amp; Recovery</b>	<b>\$6,709</b>	<b>\$6,688</b>	<b>\$6,336</b>
<b>Title IV – R&amp; D, Training Assessments, &amp; Services</b>	<b>\$2,546</b>	<b>\$2,522</b>	<b>\$2,686</b>
<b>TOTAL</b>	<b>\$30,569</b>	<b>\$31,860<sup>1</sup></b>	<b>\$31,860</b>

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## Background

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The Homeland Security Act of 2002 (P.L. 107-296) transferred the functions, relevant funding, and most of the personnel of 22 agencies and offices to the new Department of Homeland Security (DHS) created by the act. DHS is organized into four major directorates: Border and Transportation Security (BTS); Emergency Preparedness and Response (EPR); Science and Technology (S&T); and Information Analysis and Infrastructure Protection (IAIP). U.S. Citizenship and Immigration Services (USCIS), the U.S. Coast Guard, and the U.S. Secret Service are all stand-alone agencies within DHS directly under the Secretary of Homeland Security.

BTS, the largest of the four directorates, contains three main agencies: Customs and Border Protection (CBP); Immigration and Customs Enforcement (ICE); and Transportation Security Administration (TSA). EPR is comprised primarily of the former Federal Emergency Management Agency (FEMA), and IAIP houses the Homeland Security Operations Center (HSOC), Information Analysis (IA), and the Infrastructure Protection (IP) offices. S&T is home to the Office of National Laboratories, Homeland Security Laboratories, and the Homeland Security Advanced Research Projects Agency (HSARPA).

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<sup>1</sup> The amount adds to \$31,766, but the committee report notes the total is \$31,860.

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## **Bill Provisions**

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### **Title I – Department Management and Operations**

Title I provides \$646.8 million for the Department's Management and Operations, which is \$100.9 million below the Administration's request, but \$43.9 million above the FY05 enacted level. Significant spending accounts and language requests include:

**Office of the Secretary:** Provides \$124.6 million for the Office of the Secretary and Executive Management, which is \$71.2 million below the Administration's request, but \$40.1 million above the FY05 enacted level. Included within these funds is \$53 million to support the design, detailed program development, and deployment of the new DHS human resources management system, known as the **Max HR** system.

### **Title II – Security, Enforcement, and Investigations: Border and Transportation Security**

Title II provides \$22.2 billion for the Department's Security, Enforcement, and Investigations, which is \$1.6 billion above the Administration's request and more than \$931.1 million above the FY05 enacted level. Significant spending accounts include:

**Office of Under Secretary for Border and Transportation Security:** Provides \$9.6 million for the Office of Under Secretary for Border and Transportation Security, which is \$1 million below the Administration's request and equal to the FY05 enacted level.

**US VISIT Technology:** Provides \$340 million for the United States Visitor and Immigration Status Indicator Technology, which is \$50.2 million below the Administration's request, but equal to the FY05 enacted level. The Administration sought funding for US VISIT under the Office of Screening Coordination and Operations, but the Committee chose to maintain it as a stand-alone account.

**U.S. Customs and Border Protection (CBP):** Provides \$5.9 billion for Customs and Border Protection, which is \$423.4 million above the Administration's request, and \$690.7 million above the FY05 enacted level. Included within these funds is: \$241 million for 1,000 additional border patrol agents; \$54.3 million for the **Customs-Trade Partnership Against Terrorism (C-TPAT)**; \$138.8 million for an expansion of the **Container Security Initiative (CSI)**; \$55 million for tactical infrastructure along the Arizona border; \$18.8 million to establish the fourth Northern Border Airwing; and \$51.1 million for the **America's Shield Initiative**—which allows for the deployment of enhanced electronic surveillance capabilities along the southern and northern land borders.

**Immigration and Customs Enforcement (ICE)**: Provides \$4.0 billion for Immigration and Customs Enforcement, which is \$158.3 million above the Administration's request. Included within these funds is: \$77 million to provide funding for an additional 2,240 **detentions beds**;<sup>2</sup> \$18 million for an additional 200 immigration enforcement agent/detention officer positions; \$37 million for 300 additional investigators; \$25 million for an additional 60 positions for fugitive operations; and \$23 million for an additional 137 positions to expand the Institutional Removal Program.

**Federal Air Marshals (FAM)**: Provides nearly \$679 million for Federal Air Marshals, which is \$9.9 million below the Administration's request, but \$16.1 million above the FY05 enacted level. The FAMs are responsible for protecting the air transportation system against terrorist threats, sabotage, and other acts of violence.

**Federal Protective Service (FPS)**: Provides \$487 million for the Federal Protective Service, which fully funds the Administration's request and is nearly \$9 million above the FY05 enacted level.<sup>3</sup> The FPS is responsible for the security and protection of Federal property under the control of the General Services Administration.

**Transportation Security Administration (TSA)**: Provides \$5.5 billion for the Transportation Security Administration (including \$2.0 billion in offsetting fee collections, \$250 million from Aviation Security Capital, and \$180 million in estimated fee collections for Credentialing Activities), which is \$76.6 million below the Administration's request, but more than \$151.8 million above the FY05 enacted level. Included in this funding is: \$3.4 billion for **screening operations**, and \$32 million for the **Federal Flight Deck Officer Program** to support the continuation of FFDO training of passenger and air cargo pilots to act as the last line of defense against a terrorist attack on an aircraft.

- **Air Cargo Security**: Provides \$50 million for air cargo security, which is \$10 million more than both the Administration's request and the FY05 enacted level. Included in this recommendation is the continued funding for the maintenance of the automated "**known shipper**" database. This technology will centralize data submitted by indirect air carriers and shippers to provide the ability to immediately verify the status of a specific shipper, and will enhance the ability to determine high-risk air cargo deemed necessary for screening.
- **Rail Security**: Provides \$8 million for security measures of the nation's railways. Of this funding, \$4 million is for the deployment of 50 federal compliance inspectors for mass transit and passenger rail to conduct on-site inspections of rail systems, ensure compliance with minimum standards and recently issued security directives,

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<sup>2</sup> When combined with the funds provided in the Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief Act, 2005 (P.L. 109-13), these funds will support 22,727 detention beds in FY06.

<sup>3</sup> The total provides for full funding by offsetting collections paid by General Services Administration tenants and credited directly to this appropriation.

and identify coverage gaps. Additionally, \$2 million is provided for the deployment of canine explosive detection teams.

**U.S. Coast Guard:** Provides \$7.8 billion for the United States Coast Guard, which is \$182 million below the Administration's request and \$211.5 million above the FY05 enacted level. Of this funding, \$6.8 billion is discretionary spending, (which is \$283 million above the FY05 enacted level) and \$1.01 billion is mandatory spending for **retired pay**. Within the discretionary funds, \$5.5 billion is for **operating expenses** (such as pay, and vessel and aircraft maintenance) to perform search and rescue, Marine Environmental Protection and defense-related activities including drug interdiction. The **Integrated Deepwater System** is provided \$905.6 million.

**U.S. Secret Service:** Provides \$1.2 billion for the United States Secret Service, which is \$11.5 million below the Administration's request, but \$17.3 million above the FY05 enacted level. This account provides for the protection of the President, the Vice President, and other dignitaries and designated individuals; enforcement of laws relating to obligations and securities of the United States and financial crimes; and protection of the White House.

### **Title III – Preparedness and Recovery**

Title III provides \$6.3 billion for the Department's Preparedness and Recovery, which is \$373.6 million below the Administration's request and \$9.6 billion below the FY05 enacted level. Significant spending accounts and language requests include:

**Office of State and Local Government Coordination and Preparedness:** Provides \$3.5 billion for Office of State and Local Government Coordination and Preparedness, which is \$71.9 million below the Administration's request and \$492 million below the FY05 enacted level. Included within these funds is \$2.7 billion for **state and local programs** through grants for the purposes consistent with each State's homeland security strategy, including training and exercises; equipment, including interoperable communications equipment; and technical assistance.

- **Report Language:** Requests the Department to submit a report to the Committee by February 16, 2006, "detailing what State and local governments have purchased with fiscal year 2005 homeland security state and local assistance grants; whether these expenditures have complied with State homeland security plans; and how homeland security has been enhanced by such expenditures."
- **Real ID Act of 2005 Implementation Grants:** Provides \$40 million for state discretionary grants to assist in the implementation of the national standards for drivers' licenses that were created through P.L. 109-13.

**Firefighter Assistance Grants:** Provides \$615 million for firefighter assistance grants, which is \$115 million above the Administration's request, but \$100 million below the

FY05 enacted level. Included within these funds is \$65 million for the SAFER Act, which is equal to the FY05 enacted level—the Administration did not request funds for this account. These grants provide assistance to local fire fighting departments for the purpose of protecting the health and safety of the public, firefighting personnel (including volunteers and emergency medical service personnel), against fires and fire-related hazards.

**Counterterrorism Fund:** Provides \$5 million for the counterterrorism fund, which is \$5 million below the Administration’s request.

**Emergency Preparedness and Response (EP&R):** Provides \$2.8 billion for the EP&R, which is \$296.7 million below the Administration’s request, and is \$128 million below the FY05 enacted level. Included in this request is \$193.9 million to support activities related to preparedness, mitigation, response, and recovery, including \$30 million for the 28 existing Urban Search and Rescue Teams. The mission of the EP&R is to lead the Nation to prepare for, mitigate the effects of, respond to, and recover from major domestic disasters, both natural and man-made, including incidents of terrorism.

- **Disaster Relief Fund:** Provides \$2.0 billion for the Disaster Relief Fund, which is \$140 million below the Administration’s request and \$42.4 million below the FY05 enacted level. Through the DRF, the Department provides a significant portion of the total Federal response to victims in Presidentially-declared major disasters and emergencies.

## **Title IV – Research and Development, Training, Assessments, and Services**

Title IV provides \$2.7 billion for the Department’s Research and Development, Training, Assessments, and Services, which is \$140.7 million above the Administration’s request and \$290.5 million above the FY05 enacted level. Significant spending accounts include:

**Bureau of Citizenship and Immigration Services (CIS):** Provides \$80 million for CIS, which fully funds the Administration’s request, but is \$80 million below the FY05 enacted level. It is anticipated that CIS will collect various fees totaling \$1.8 billion. CIS is responsible for the administration of laws and providing services to people seeking to enter, reside, work, and naturalize in the United States.

**Federal Law Enforcement Training Center (FLETC):** Provides \$282.4 million for the FLETC, which is \$58.4 million above the President’s request and \$55.6 million above the FY05 enacted level. The FLETC provides funds for basic and some advanced training to Federal law enforcement personnel from more than 76 agencies.

**Information Analysis and Infrastructure Protection (IAIP):** Provides \$870.6 million for IAIP, which is \$2.7 million below the Administration’s request and nearly \$23.1

million below the FY05 enacted level. IAIP is responsible for collecting and disseminating terrorist threat information; fusing and integrating data with foreign intelligence to produce a comprehensive picture of threats; and developing and implementing an action plan to mitigate terrorist threats and national vulnerabilities.

**Science and Technology:** Provides \$1.5 billion for Science and Technology, which is \$85.1 million over the Administration's request and nearly \$338.0 million over the FY05 enacted level. Included within these funds is: \$127.3 million for the **Domestic Nuclear Detection Office** (of which, \$15 million is made available for establishing, staffing, and equipping the office) and \$110 million for **Counter Man-Portable Air Defense Systems** for systems development to protect the Nation's commercial aircraft against the threat of man-portable air defense systems.

## **Title V – General Provisions**

Title V is composed of General Provisions concerning reprogramming, authorization for intelligence activities funded in the bill, Federal Law Enforcement Training Center, the Buy America Act, inspection of air cargo, competitive sourcing, and other issues.

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### **Administration Position**

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A Statement of Administration Policy (SAP) on the bill, as reported by the Senate Appropriations Committee, was not available at press time.

On May 17, the Administration released a SAP on the House-reported bill, H.R. 2360. The Administration supported House passage of H.R. 2360, and looks forward to working with Congress to ensure that the FY06 appropriations bills do not exceed the **\$843 billion discretionary funding level** contained in the FY06 Budget Resolution. **(The President's Budget includes over 150 program savings and reforms and was the first to propose reducing non-security discretionary spending since the Reagan Administration.)** In the SAP, the Administration offered its views on several provisions in H.R. 2360 (including Domestic Nuclear Detection Office, Coast Guard Deepwater Program, Border and Transportation Security, State and Local Programs, and Emergency Preparedness and Response), but did not state it would veto the bill over these concerns.

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## **Cost**

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H.R. 2360 would result in the following outlays:

FY 2006	\$19.097 billion
FY 2007	\$6.472 billion
FY 2008	\$3.925 billion
FY 2009	\$1.450 billion
FY 2010 (and future years)	\$0.639 billion

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## **Possible Amendments**

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No amendments were offered during the Committee markup, but efforts to increase spending and affect border security policy can be expected.